

HOUSE BILL 1410

A2

8lr3353

By: **Delegates Brooks, Ebersole, Grammer, Hettleman, Jalisi, Jones, and P. Young**
Introduced and read first time: February 9, 2018
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County – Alcoholic Beverages Licenses – Expiration**

3 FOR the purpose of extending, in Baltimore County, the time period after which an
4 alcoholic beverages license expires when the license holder has closed the business
5 or stopped active alcoholic beverages business operations at the premises; repealing
6 a provision of law authorizing the Board of License Commissioners for Baltimore
7 County to grant a hardship extension if the Board makes a certain finding after a
8 hearing; establishing that submission of a certain request for a hardship extension
9 automatically extends the life of a license for a certain time period; clarifying that a
10 hardship extension may not prolong the life of an inactive license for more than a
11 certain total time period; clarifying that the period for automatic expiration of a
12 license may not be suspended on the basis of a certain withdrawn application or
13 request; extending the time period the Board may extend a license without circuit
14 court approval if a licensed premises is forced to close because of a casualty loss;
15 making conforming changes; and generally relating to the expiration of alcoholic
16 beverages licenses in Baltimore County.

17 BY repealing and reenacting, without amendments,
18 Article – Alcoholic Beverages
19 Section 13–102
20 Annotated Code of Maryland
21 (2016 Volume and 2017 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Alcoholic Beverages
24 Section 13–2202
25 Annotated Code of Maryland
26 (2016 Volume and 2017 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
28 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Alcoholic Beverages

13–102.

This title applies only in Baltimore County.

13–2202.

(a) A license expires [180 days] **1 YEAR** after the license holder has closed the business or stopped active alcoholic beverages business operations at the premises for which the license is held unless:

(1) an application for approval of a transfer to another location or another person under Subtitle 17 of this title has been approved or is pending;

(2) an application for a certificate of permission or a renewal license for continuation of business under Subtitle 23 of this title has been approved or is pending; or

(3) a written request for a hardship extension under subsection (b) of this section is filed within the [180–day] **1–YEAR** period.

(b) Except as provided in subsection (d) of this section:

(1) the license holder or another appropriate interested party may make a written request to the Board to extend the life of the license due to hardship;

(2) [the Board may grant the extension if the Board finds after a hearing that existing hardship caused] **SUBMISSION OF A REQUEST UNDER ITEM (1) OF THIS SUBSECTION SHALL AUTOMATICALLY EXTEND THE LIFE OF THE LICENSE FOR 2 YEARS AFTER THE DATE OF** the closing or stopping of business operations; and

(3) [an] **A HARDSHIP** extension may not prolong the life of [the] **AN INACTIVE** license beyond [360 days] **THE TOTAL OF:**

(I) 2 YEARS after the date of closing or stopping of alcoholic beverages business operations at the premises for which the license is held; **AND**

(II) ANY TIME PERIOD DURING WHICH THE LICENSE IS SUSPENDED UNDER SUBSECTION (A)(1) OR (2) OF THIS SECTION.

(c) (1) The period for which a license may be considered unexpired:

(i) begins at the earlier of the closing of the business or stopping of alcoholic beverages business operations; and

1 (ii) may be suspended only by filing an application or request under
2 subsection (a) of this section.

3 (2) The expiration period resumes on the last to occur of the following
4 events:

5 (i) [final action of the Board granting or denying a request for a
6 hardship extension under subsection (b) of this section;

7 (ii)] final action of the Board denying an application described in
8 subsection (a)(1) or (2) of this section;

9 [(iii)] (II) final judgment of the reviewing court if judicial review of
10 the Board's action on an application or request authorized by subsection [(a) or (b)] (A)(1)
11 OR (2) of this section has [been granted] **AFFIRMED THE BOARD'S ACTION**; or

12 [(iv)] (III) dismissal of a petition for judicial review of the Board's
13 action.

14 (3) If an application or request described in subsection (a) or (b) of this
15 section is withdrawn:

16 (i) the period for automatic expiration of the license may not be
17 suspended **ON THE BASIS OF THE WITHDRAWN APPLICATION OR REQUEST**; and

18 (ii) the application or request shall be considered as if it had not been
19 filed.

20 (d) If a licensed premises is forced to close because of a casualty loss, the Board,
21 without circuit court approval, may extend the license for not more than **[2] 3** years after
22 the closing.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
24 1, 2018.